

From: Munoz, Charles
Location: 3315 WJC-N
Importance: Normal
Subject: Ethics Process for Onboarding
Start Date/Time: Thur 1/26/2017 7:30:00 PM
End Date/Time: Thur 1/26/2017 8:00:00 PM

To: Munoz, Charles[munoz.charles@epa.gov]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Duross, Jeanne
Sent: Mon 5/22/2017 4:44:37 PM
Subject: RE: Pay Scale for AD Positions

Hi Charles,

ADs are not subject to the outside earned income limit. So, that is not a concern.

The outside activity issues ADs face are the run-of-the-mill issues that all of our employees face -- (1) conflict of interest concerns regarding any fiduciary duties that they may have from service on outside boards; (2) the need to obtain outside activity approval for any employment subject to EPA's supplemental ethics regulation; and (3) the 18 USC 203 bar on compensation for representational services before the US government on behalf of a third party in relation to particular matters in which the United States is a party or has a direct and substantial interest.

-Jeanne

From: Munoz, Charles
Sent: Monday, May 22, 2017 11:09 AM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Pay Scale for AD Positions

This is great but my main question was if someone can have any income as an AD appointment from an outside source, and if so, how much can someone make on top of their EPA salary?

Charles Munoz

White House Liaison

Environmental Protection Agency

202-380-7967

From: Duross, Jeanne
Sent: Monday, May 22, 2017 11:07 AM
To: Munoz, Charles <munoz.charles@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Pay Scale for AD Positions

Good Morning, Charles,

I looked into your question regarding salary limits for administratively determined (AD) positions. AD positions may be compensated up to the GS-15 level, which, with Washington area locality pay, ranges from \$131,767 to \$161,900.

As Justina has likely explained, OGC Ethics cannot authorize the Agency to pay an incoming AD employee a certain amount; rather those determinations are made by Personnel within this range.

I hope this helps and is what you needed – please let me know if I can help you further!

-Jeanne

Ethics Attorney | Office of General Counsel | US EPA | Mail Code 2311A | Room 4413 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-6595| epa mobile 202-579-7848|fax 202-564-1772

To: Munoz, Charles[munoz.charles@epa.gov]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Duross, Jeanne
Sent: Mon 5/22/2017 3:14:47 PM
Subject: RE: Pay Scale for AD Positions

Charles, I misunderstood your question. I'll be in touch with the answer asap.

From: Munoz, Charles
Sent: Monday, May 22, 2017 11:09 AM
To: Duross, Jeanne <Duross.Jeanne@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Pay Scale for AD Positions

This is great but my main question was if someone can have any income as an AD appointment from an outside source, and if so, how much can someone make on top of their EPA salary?

Charles Munoz

White House Liaison

Environmental Protection Agency

202-380-7967

From: Duross, Jeanne
Sent: Monday, May 22, 2017 11:07 AM
To: Munoz, Charles <munoz.charles@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Pay Scale for AD Positions

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I hope this helps and is what you needed – please let me know if I can help you further!

-Jeanne

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To: Charles Munoz [Ex. 6 - Personal Privacy]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Tue 1/17/2017 8:56:21 PM
Subject: RE: Your anticipated appointment to the United States Environmental Protection Agency

Hi Charles- That is great. We just heard that Don will arrive at 9:00 tomorrow, and Justina and I will look forward to meeting both of you then. You may already have directions to our offices, but, if not, I have included them below.

Thank you, Kevin

The Office of General Counsel is located in the EPA Headquarters Complex, 1200 Pennsylvania Avenue, NW, in Washington, DC. We are in the William Jefferson Clinton North Building. The main visitor entrance to both the North and South Buildings are located directly above the Federal Triangle Metro Station, which is on 12th Street midway between Pennsylvania and Constitution Avenues. Please proceed into the building where you will be greeted by our security staff. As a guest, you will need to present a photo ID and proceed through the metal detectors. Please tell the guards that you are there to meet with myself or Justina, and they will let us know that you arrived. One of us will then come down and meet you at the main entrance and escort you up to our offices. While they should not need to ask you, if the guards do ask if you have a contact number to call, you may give them 564-5551 (Kevin's direct line) or 564-1786 (Justina's direct line).

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: Charles Munoz [mailto: [Ex. 6 - Personal Privacy]
Sent: Tuesday, January 17, 2017 3:50 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: Your anticipated appointment to the United States Environmental Protection Agency

Kevin,

I intend on being there tomorrow morning with Don Benton to go over the ethics requirements.

Charles Munoz

Ex. 6 - Personal Privacy

From: Minoli, Kevin

Sent: Tuesday, January 17, 3:47 PM

Subject: RE: Your anticipated appointment to the United States Environmental Protection Agency

To: Charles Munoz

Cc: Fugh, Justina

Dear Mr. Munoz- I wanted to resend my email from Saturday as I know it is easy to miss an email, especially one you are not expecting. We intend to be in the EPA offices all day Wednesday and Thursday if there is a time either of those days that you could come in or call in to discuss the federal ethics requirements. Having that meeting this week is particularly important if you would like to begin your substantive work for the agency Friday afternoon or over the weekend. If you know you will not actually begin your substantive work with us until Monday January 23rd, we could arrange to meet with you Monday morning if that is better for you.

Thank you, Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: Minoli, Kevin

Sent: Saturday, January 14, 2017 8:36 PM

To: Ex. 6 - Personal Privacy

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Your anticipated appointment to the United States Environmental Protection Agency

Dear Mr. Munoz-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, [5 CFR Part 2635](#); the Hatch Act, [5 USC § 7321 et seq.](#), and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at [18 USC § 208](#) and representational conflicts at [18 USC §§ 203](#) and [205](#). In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at [18 USC § 207](#).

We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to

ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Charles Munoz
Sent: Tue 1/17/2017 8:49:56 PM
Subject: RE: Your anticipated appointment to the United States Environmental Protection Agency

Kevin,

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Charles Munoz

Ex. 6 - Personal Privacy

From: Minoli, Kevin
Sent: Tuesday, January 17, 3:47 PM
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To: Charles Munoz
Cc: Fugh, Justina

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Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

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From: Minoli, Kevin

Sent: Saturday, January 14, 2017 8:36 PM

To: Ex. 6 - Personal Privacy

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Your anticipated appointment to the United States Environmental Protection Agency

Dear Mr. Munoz-

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I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

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you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

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Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: **Ex. 6 - Personal Privacy**
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Sun 1/15/2017 1:35:43 AM
Subject: Your anticipated appointment to the United States Environmental Protection Agency

Dear Mr. Munoz-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

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Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Munoz, Charles[munoz.charles@epa.gov]
From: Fugh, Justina
Sent: Thur 5/11/2017 9:53:50 PM
Subject: your financial disclosure report

Hi there,

You may recall that I had mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested and released. OGC/Ethics typically waits to fill those requests until after we have received and certified the report, and I finally got around to releasing a batch of reports on Friday of last week. Here are the people who received your report:

Kevin Bogardus, E&E News
Joe Gaeta, Senator Sheldon Whitehouse
Alison Gregor, ProPublica
Alex Guillen, Politico
Nick Surgey, Center for Media and Democracy

Best,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A |
Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground
deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Munoz, Charles[munoz.charles@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Fugh, Justina
Sent: Wed 4/12/2017 6:02:34 PM
Subject: pledge implications for former lobbyist

Hi Charles and Troy,

Under Paragraph 7 of the President's ethics pledge, Troy agrees not to participate in any particular matter in which he lobbied during the previous two year period before appointment or in the "specific issue area" in which the particular matter falls. The Office of Government Ethics recently issued guidance to help explain this provision. See [LA-17-03](#), Guidance on Executive Order 13770 (March 20, 2017).

We are to interpret the pledge term "specific issue area" as a "particular matter of general applicability," which is commonly used in federal ethics. It means any matter that involves "deliberation, decision, or action that is focused upon the interests of a specific person or a discrete and identifiable class of persons." See [5 CFR 2640.103\(a\)\(1\)](#). A particular matter of general applicability includes rulemaking. The OGE guidance includes the following example:

An appointee was a registered lobbyist during the two-year period before she entered government. In that capacity, she lobbied her agency against a proposed regulation focused on a specific industry. Her lobbying was limited to a specific section of the regulation affecting her client. Her recusal obligation as an appointee is not limited to the section of the regulation on which she lobbied, nor is it limited to the application of the regulation to her former client. Instead, she must recuse for two years from development and implementation of the entire regulation, subsequent interpretation of the regulation, and application of the regulation in individual cases.

So, what this means for Troy is that he will need to recuse from participation in the development and implementation of any regulation or other particular matter of general applicability that he lobbied on during the past 2 years. I don't think

Ex. 5 - Deliberative Process

For two years (until April 2019), he will not be able to participate at all in nor direct subordinates who work on any regulations or rulemaking associated with methane, offshore air emissions, renewable fuels standard, the Tier 3 emissions standard, or the ozone NAAQS. There may be other regulations that arise, but these are the ones that Troy identified quickly with me earlier today.

CHARLES -

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Munoz, Charles[munoz.charles@epa.gov]
From: Fugh, Justina
Sent: Fri 4/7/2017 5:32:31 PM
Subject: RE: so close on your form!

Understood and thanks. Will stand by.

OH! I just realized that I haven't yet called Nancy Beck! Will do that after my next meeting!

From: Munoz, Charles
Sent: Friday, April 07, 2017 1:28 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: so close on your form!

I'm trying to figure that out. I'll get that to you asap. Apologies for this taking so long.

Charles

On Apr 7, 2017, at 1:25 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Do you know the **Ex. 6 - Personal Privacy** Just tell me, and I'll add it for you and then you will be done!

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Munoz, Charles[munoz.charles@epa.gov]
From: Fugh, Justina
Sent: Fri 4/7/2017 5:25:48 PM
Subject: so close on your form!

Do you know the Ex. 6 - Personal Privacy? Just tell me, and I'll add it for you and then you will be done!

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Munoz, Charles[munoz.charles@epa.gov]
From: Fugh, Justina
Sent: Thur 4/6/2017 2:44:59 PM
Subject: RE: REMINDER: You owe us information!

I should have also said that your report has been requested for release to the public. If you don't answer our questions, then we can't certify it. We will have to release your report as is.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Thursday, April 06, 2017 10:35 AM
To: Munoz, Charles <munoz.charles@epa.gov>
Subject: REMINDER: You owe us information!

Hi,
On February 22, OGC/Ethics returned your new entrant report to you with comments (see below). You made some changes but you did not submit the report back to us. If you're done, then go into INTEGRITY and submit the report to us formally (be sure to hit the "attest" button at the bottom of the "submit report" screen). We need you to respond so that we can finalize your report.

Thanks!

Comments of Reviewing Officials

PART		
#	REFERENCE	COMMENT

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Munoz, Charles[munoz.charles@epa.gov]
From: Fugh, Justina
Sent: Thur 3/9/2017 2:04:24 AM
Subject: reminder about ethics

Hi there,

1) President's Ethics Pledge

As you know, on January 28, 2017, President Donald J. Trump issued an Executive Order on Ethics Commitments for all political appointees in his administration that contains additional restrictions during and after your federal service. You were required to sign this pledge, which you have done (thanks!). Here is a reminder about the significant points of the Executive Order:

If you were a federally registered lobbyist in the previous 2 years --

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ For the next 2 years, you will not participate in any particular matter on which you lobbied within the previous 2 years and you will not participate in the specific issue area in which that particular matter falls.

While you are a federal employee --

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ You cannot accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions, so ask an ethics official for guidance, early and often.

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **For 2 years** (an additional year than discussed previously) from the date of your appointment, you will not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former client(s), including regulations and contracts; and

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Any hiring or other employment decisions you make will be based on the candidate's qualifications, competence and experience.

After you leave federal service --

- For 5 years, you will not engage in any lobbying activities with respect to the agency in which you were appointed to serve;
- For the remainder of the Administration, you will not engage in lobbying activities with respect to any covered executive branch official or non-career SES employee; and
- For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their “agent” requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

Finally, you agree that the terms of the ethics pledge are binding upon you.

2) You have made some progress on your new entrant financial disclosure report, which makes me happy. I see, though, that you last made changes on 2/22, so if you thought you had sent it to us, unfortunately you didn't. We can't certify your report until you submit it back to us.

Cheers,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Munoz, Charles[munoz.charles@epa.gov]
From: Fugh, Justina
Sent: Fri 2/24/2017 6:39:50 PM
Subject: RE: Munoz Signed Pledge

Got it. Thanks!

From: Munoz, Charles
Sent: Friday, February 24, 2017 10:52 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Munoz Signed Pledge

Justina,

Attached is the signed pledge re: the new EO that was signed by the President.

Thanks,

Charles Munoz

White House Liaison

Environmental Protection Agency

202-380-7967

From: DC-WJCN-3319-M@epa.gov [mailto:DC-WJCN-3319-M@epa.gov]
Sent: Friday, February 24, 2017 9:17 AM
To: Munoz, Charles <munoz.charles@epa.gov>
Subject:

To: Munoz, Charles[munoz.charles@epa.gov]
From: Fugh, Justina
Sent: Wed 2/22/2017 1:25:13 AM
Subject: RE: Integrity.gov: Filing Reminder Assignment

Hi Charles,

Ex. 6 - Personal Privacy That's a wonderful reason for needing an extension. Our typical extension is 45 days, so you now have until April 7th.
Hope you're getting some sleep!
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Munoz, Charles
Sent: Tuesday, February 21, 2017 6:29 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Integrity.gov: Filing Reminder Assignment

Justina,

Ex. 6 - Personal Privacy and the new administrator starting today I haven't been able to get to this yet. Is there any way I could have till the end of the week to get this done?

Charles Munoz
White House Liaison
Environmental Protection Agency

-----Original Message-----

From: Integrity.gov [mailto:notifications@integrity.gov]
Sent: Wednesday, February 8, 2017 4:28 PM
To: Munoz, Charles <munoz.charles@epa.gov>
Subject: Integrity.gov: Filing Reminder Assignment

This notice is a reminder that your 2017 New Entrant report is due on 02/21/2017. You may access the report by logging into Integrity at <https://integrity.gov>. If you have any questions concerning the filling out of the form, you can send a note to ethics@epa.gov and we'll get back to you within 48 hours.

Please let us know if you need an extension by sending an email to Justina Fugh or sending a request to ethics@epa.gov.

Also, check out our intranet site in INTEGRITY for more information:
<http://intranet.epa.gov/ogc/Integrity/Landingpage.html>

For additional guidance about filling out the OGE-278 annual and OGE-278-T periodic financial disclosure form, see: <https://www2.oge.gov/Web/278eGuide.nsf>

To: Munoz, Charles[munoz.charles@epa.gov]
From: Fugh, Justina
Sent: Fri 2/10/2017 7:57:03 PM
Subject: Ethics -- next steps now that you are an EPA employee
[draft recusal statement.docx](#)

Hi there,

Now that you have been officially sworn in as an EPA employee, I want to provide you with specific ethics advice. I just realized that I hadn't sent you (and Mr. Benton, with whom you had your initial ethics briefing on 1/18/17) a confirmatory note earlier. My apologies!

1) Please remember to submit your new entrant public financial disclosure report in INTEGRITY. We noticed that you haven't started that yet, so don't forget that it is due on 2/21/17. If you need an extension, you have to ask me before the expiration of the deadline. The account is now set up with your EPA email address as the user ID. That way, if we have questions or comments about your submission, we can communicate with you through INTEGRITY using your EPA email.

2) In our discussion, you did not identify any likely financial conflicts of interest but we will know for sure once we see your disclosure report. I am therefore not anticipating a need for any recusal statement by you.

Thanks so much for paying attention to ethics issues, and I look forward to working with you as you bring on board your political team. Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Printed Name: Charles Munoz

Signature: 

Date: 2/24/17

Charles Munoz OA



Certified by: Justina Fugh
Certificate Dated: 01/18/2017
Certificate ID Number: JFUH-AJ6TE5
Full Organization: OA

According to the EPA Domino Directory.
Contact your local Help Desk if this
organizational information is not correct.

From: Minoli, Kevin
Location: 1200 Pennsylvania Ave. NW (William Jefferson Clinton Building), Room 4000
Importance: Normal
Subject: Ethics Counseling for David Kreutzer
Start Date/Time: Tue 1/17/2017 2:00:00 PM
End Date/Time: Tue 1/17/2017 3:00:00 PM

To: Munoz, Charles[munoz.charles@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Kreutzer, David
Sent: Thur 3/30/2017 8:09:29 PM
Subject: RE: David Kreutzer Off-boarding

I just finished my exit interview with Dan Fort and I have a form or two to complete.

From: Munoz, Charles
Sent: Thursday, March 30, 2017 4:08 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Kreutzer, David <kreutzer.david@epa.gov>
Subject: David Kreutzer Off-boarding

Justina,

David Kreutzer's last day at the EPA is tomorrow so I wanted to follow-up to see if there was anything he had to do from an ethics standpoint prior to leaving tomorrow afternoon.

Thanks,

Charles Munoz

White House Liaison

Environmental Protection Agency

202-380-7967

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Fort, Daniel
Sent: Fri 2/17/2017 3:33:18 PM
Subject: Re: Extension & Help

I've cc'ed Justina Fugh who can grant you an extension on your report.

EIF stands for "Excepted Investment Fund" and you can designate an asset as an EIF in any section. There's a long explanation for that in Integrity, but I have my own shorthand for it. In essence, mutual funds and exchange-traded funds (e.g., index funds) are EIFs. However, managed accounts (where you own individual assets and someone else makes the investment decisions) is NOT an EIF.

When you enter the individual asset on the form (it will be in a box on the right of the screen), there is a drop down box that allows you to designate an asset as an EIF. Don't worry, you can always enter an asset and then go back and designate it as an EIF.

The difference between EIFs and other assets is that you don't have to report the type of income (e.g., dividends) though you still have to report the amount (even if held in a tax-deferred account). You also don't report the underlying assets in the particular EIF.

Example: You own \$15,00 - \$50,000 of XYZ Mutual Fund. You would report this with the name (XYZ Mutual Fund), Valuation (\$15,000 - \$50,000), set the EIF box to "yes," and give the income (usually dividends and capital gains distributions for mutual funds).

If you need additional help, I can stop by your office next week. Just let me know.

Dan

From: Kreutzer, David
Sent: Friday, February 17, 2017 10:16:13 AM
To: Fort, Daniel
Subject: Extension & Help

Dan,

I'm filling out the 278 and realize that I don't have all the info here at work that I need. I hope to finish it this weekend. However, given that there may be problems, I would like to get an extension for next week.

Also, what does "EIF" mean in the retirement section and how can you edit those entries?

Thanks,

David

David W. Kreutzer, Ph.D.

202.564.3113

IMPORTANT: Please note that any correspondence with this account may become a federal record and be subject to Freedom of Information Act (FOIA) requests.

To: Fugh, Justina[Fugh.Justina@epa.gov]; Fort, Daniel[Fort.Daniel@epa.gov]
Cc: Schnare, David[schnare.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Kreutzer, David
Sent: Tue 2/14/2017 11:11:43 PM
Subject: RE: Heritage Event and email.

I'll see you in your office.

Thanks,

David

From: Fugh, Justina
Sent: Tuesday, February 14, 2017 6:10 PM
To: Kreutzer, David <kreutzer.david@epa.gov>; Fort, Daniel <Fort.Daniel@epa.gov>
Cc: Schnare, David <schnare.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Heritage Event and email.

Hi there,

Sure! Let's go for tomorrow at 10 am. I'm in room 4308 North or you can tell me how to find you.

Best,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kreutzer, David
Sent: Tuesday, February 14, 2017 12:16 PM
To: Fort, Daniel <Fort.Daniel@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Schnare, David <schnare.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Heritage Event and email.

Justina,

I could meet sometime tomorrow (Wednesday) between 10 and 12 or Thursday at 9.

Would those times work for you?

David

From: Fort, Daniel
Sent: Tuesday, February 14, 2017 11:33 AM
To: Kreutzer, David <kreutzer.david@epa.gov>
Subject: RE: Heritage Event and email.

First, Justina requests that you set up some time to meet with her this week to discuss these and other issues (e.g., the need for you to sign the new ethics pledge).

Second, allow me to further elucidate the use of email. When you are communicating in your official capacity (i.e., as a federal employee), you must use (or in rare instances, "cc") a Government system (e.g., the EPA email system) so that federal records are properly preserved. When you are communicating in a personal capacity, you must use your own personal email rather than the Agency's, otherwise it may be implied that you are communicating in an official capacity.

From: Kreutzer, David
Sent: Monday, February 13, 2017 6:04 PM
To: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: RE: Heritage Event

Okay, I guess I didn't understand about the email. The associated event was planned before I left and I consulted with the coauthors (one of whom is at Heritage) about the paper and the event. I thought it needed to be done via my EPA account and specifically switched the conversation from my personal account to my EPA account. There are a couple of dozen emails on the topic.

Please advise,

David

From: Fort, Daniel
Sent: Monday, February 13, 2017 1:38 PM
To: Kreutzer, David <kreutzer.david@epa.gov>
Subject: RE: Heritage Event

Well, according to the note that Justina Fugh sent you on 1/30/17, as a former employee of Heritage, you have a "covered relationship" with them pursuant to 5 CFR 2635.502(b)(1)(iv). That means cannot participate personally and substantially in any specific party matter in which that entity is or represents a party and this paper is a specific party matter.

That means that you cannot attend this event in your official capacity. You can attend it in your personal capacity if you do not use Government time (you'll have to take annual leave),

Government equipment or any assistance from a Government employee. You can't use your EPA title at the event or be identified as an EPA employee. Furthermore, you are covered under the provisions of Executive Order 13770 which states that you will not, for a period of 2 years from the date of your appointment, participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former clients (i.e., the one year period of 5 CFR 2635.502 is extended to two years). FYI, you'll have to sign this new ethics pledge. Please contact Justina Fugh for further information.

If you attend the lunch afterward, you will be accepting a gift from a prohibited source. If the gift of lunch is less than \$20 and is from the Heritage Foundation, then it can be accepted. However, if the gift is from Heritage Action for America, then you cannot accept it because this organization is a federally registered lobbyist and under the provisions of Executive Order 13770, you can't accept any gift at all from a federally registered lobbyist.

Finally, please make sure that any emails with Heritage concerning anything you do in your personal (as opposed to official) capacity not be conducted using Agency resources (such as email).

From: Kreutzer, David
Sent: Monday, February 13, 2017 12:09 PM
To: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: Heritage Event

Dan,

I plan to attend an event at Heritage this Thursday, February 16, 2017. The topic for the event is a paper on which I'm a co-author. They have asked me to attend the lunch afterward. Will that be a problem?

If that's a problem, would my attendance to the event be a problem since they provide sandwiches for the attendees afterward?

David

David W. Kreutzer, Ph.D.

202.564.3113

IMPORTANT: Please note that any correspondence with this account may become a federal record and be subject to Freedom of Information Act (FOIA) requests.

To: David Kreutzer[[Ex. 6 - Personal Privacy](#)]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]; Fort, Daniel[Fort.Daniel@epa.gov]
From: Minoli, Kevin
Sent: Tue 1/17/2017 1:38:59 PM
Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

David- Not a problem, but thank you for letting us know. Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: [202-564-8064](tel:202-564-8064)

On Jan 17, 2017, at 8:34 AM, David Kreutzer <[Ex. 6 - Personal Privacy](#)> wrote:

It seems that there's an accident on Washington Boulevard. So I'll be about 10 minutes late.
Thanks.

On Sat, Jan 14, 2017 at 8:27 PM Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Dear Mr. Kreutzer-

Your name was included on a list of individuals

identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

As you know from my briefings for you as part of

the Landing Team, I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the

Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your

specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector

General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government."

Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017,

you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch,

5 CFR Part 2635; the Hatch Act,

5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at

18 USC § 208 and representational conflicts at

18 USC §§ 203 and

205. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team

as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at

18 USC § 207.

We understand that folks are anxious to get started,

and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a

matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening

if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible

to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals

identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for

you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to continuing to
work with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Fort, Daniel[Fort.Daniel@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
From: David Kreutzer
Sent: Mon 1/16/2017 10:18:36 PM
Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

Thanks. See him then. David

On Mon, Jan 16, 2017 at 5:01 PM Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Dear Mr. Kreutzer,

I am writing to confirm that you will be meeting with EPA Ethics at 9 am tomorrow, Tuesday, January 17, and that the discussion will take one hour. You will be meeting with Daniel

Fort, copied here, who is one of the stalwart members of the EPA Ethics team. In fact, if you need any help with your INTEGRITY filing, Dan is the person to ask.

Dan and I work in the Office of General Counsel, which is located in the EPA Headquarters Complex, 1200 Pennsylvania Avenue, NW, in Washington, DC. We are in the William Jefferson

Clinton North Building. The main visitor entrance to both the North and South Buildings are located directly above the Federal Triangle Metro Station, which is on 12th Street, midway between Pennsylvania and Constitution Avenues. Once at the building, please

proceed into the north entrance where you will be greeted by our security staff. As a guest, you will need to present a photo ID and proceed through the metal detectors. Please tell the guards that you are there to meet with Kevin Minoli and Daniel Fort,

and they will call Dan at 564 2200 to let him know that you have arrived. Dan will then come down and meet you at the main entrance and escort you up to our offices.

We are looking forward to meeting you.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton

Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: David Kreutzer [mailto:

Ex. 6 - Personal Privacy

Sent: Sunday, January 15, 2017 1:43 AM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

Kevin,

Thank you for the welcome and help with the ethics portion of the on boarding process. If it will take less than 90 minutes, I could do it Tuesday, Jan 17 at 9:00.

If more time is needed, I could do it Wed at 10:00 am.

David

On Sat, Jan 14, 2017 at 8:27 PM Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Dear Mr. Kreutzer-

Your name was included on a list of individuals

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to the EPA!"

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this email. Justina, the

Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point

in time and based on your

specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector

General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to “ensure that every citizen can have complete confidence in the integrity of the Federal Government.”

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you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch,

5 CFR Part 2635; the Hatch Act,

5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at

18 USC § 208 and representational conflicts at

18 USC §§ 203 and

205. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team

as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at

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January 16, 2017. We will be available each day that week during normal business hours

and during the evening

if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult.

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to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

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you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to continuing to

work with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

From: Minoli, Kevin
Location: 1200 Pennsylvania Ave. NW (William Jefferson Clinton Building), Room 4000
Importance: Normal
Subject: Ethics Counseling
Start Date/Time: Tue 1/17/2017 2:00:00 PM
End Date/Time: Tue 1/17/2017 3:00:00 PM

To: David Kreutzer [Ex. 6 - Personal Privacy]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Sun 1/15/2017 2:28:43 PM
Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

Hi David- Unless you know that your personal financial situation or work history will be particularly complicated, one hour should be sufficient. I know you are already familiar with the East Building in the headquarters complex, but I have included more detailed directions to the North Building which is where we are located.

We look forward to meeting with you on Tuesday.

Kevin

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Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

On Jan 15, 2017, at 1:43 AM, David Kreutzer [Ex. 6 - Personal Privacy] wrote:

Kevin,

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If more time is needed, I could do it Wed at 10:00 am.

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Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: David Kreutzer
Sent: Sun 1/15/2017 6:42:52 AM
Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

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identified by the President-Elect's Transition Team as one of the non-career

officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

As you know from my briefings for you as part of

the Landing Team, I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the

Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your

specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector

General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government."

Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017,

you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch,

5 CFR Part 2635; the Hatch Act,

5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at

18 USC § 208 and representational conflicts at

18 USC §§ 203 and

205. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team

as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at

18 USC § 207.

We understand that folks are anxious to get started,

and the agency has been asked to undertake all necessary actions to enable you to

enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a

matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening

if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible

to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals

identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for

you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to continuing to
work with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Ex. 6 - Personal Privacy
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Sun 1/15/2017 1:27:11 AM
Subject: Your anticipated appointment to the United States Environmental Protection Agency

Dear Mr. Kreutzer-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

As you know from my briefings for you as part of the Landing Team, I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635; the Hatch Act, 5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at 18 USC § 208 and representational conflicts at 18 USC §§ 203 and 205. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at 18 USC § 207.

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undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to continuing to work with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Kreutzer, David[kreutzer.david@epa.gov]
From: Fugh, Justina
Sent: Thur 3/9/2017 2:01:48 AM
Subject: reminder about ethics

Hi there,

1) President's Ethics Pledge

As you know, on January 28, 2017, President Donald J. Trump issued an Executive Order on Ethics Commitments for all political appointees in his administration that contains additional restrictions during and after your federal service. You were required to sign this pledge, which you have done (thanks!). Here is a reminder about the significant points of the Executive Order:

If you were a federally registered lobbyist in the previous 2 years --

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ For the next 2 years, you will not participate in any particular matter on which you lobbied within the previous 2 years and you will not participate in the specific issue area in which that particular matter falls.

While you are a federal employee --

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ You cannot accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions, so ask an ethics official for guidance, early and often.

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **For 2 years** (an additional year than discussed previously) from the date of your appointment, you will not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former client(s), including regulations and contracts; and

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Any hiring or other employment decisions you make will be based on the candidate's qualifications, competence and experience.

After you leave federal service --

- For 5 years, you will not engage in any lobbying activities with respect to the agency in which you were appointed to serve;
- For the remainder of the Administration, you will not engage in lobbying activities with respect to any covered executive branch official or non-career SES employee; and
- For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their “agent” requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

Finally, you agree that the terms of the ethics pledge are binding upon you.

2) You have an extension until 4/7 to file your new entrant financial disclosure report, so please don’t miss that deadline. I’m not really inclined to grant any further extensions.

Cheers,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Kreutzer, David[kreutzer.david@epa.gov]; Fort, Daniel[Fort.Daniel@epa.gov]
From: Fugh, Justina
Sent: Tue 2/21/2017 6:15:55 PM
Subject: RE: Integrity.gov: Filing Reminder Assignment

Oh, Dan just told me that you wrote to him and asked for an extension. Okay, we'll take care of it.

From: Fugh, Justina
Sent: Tuesday, February 21, 2017 1:13 PM
To: Kreutzer, David <kreutzer.david@epa.gov>; Fort, Daniel <Fort.Daniel@epa.gov>
Subject: RE: Integrity.gov: Filing Reminder Assignment

We need a reason for why you need an extension. Suggested reasons: need to gather information, workload, need for travel ...?

From: Kreutzer, David
Sent: Monday, February 20, 2017 12:24 PM
To: Fort, Daniel <Fort.Daniel@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Fwd: Integrity.gov: Filing Reminder Assignment

I want to confirm that I've gotten an extension for filing this form.

Thanks,

David

Sent from my iPhone

Begin forwarded message:

From: Integrity.gov <notifications@integrity.gov>
Date: February 20, 2017 at 9:56:38 AM EST

To: <kreutzer.david@epa.gov>

Subject: Integrity.gov: Filing Reminder Assignment

Reply-To: Integrity.gov Notification <notifications@integrity.gov>

This notice is a reminder that your 2017 New Entrant report is due on 02/21/2017. You may access the report by logging into Integrity at <https://integrity.gov>. If you have any questions concerning the filling out of the form, you can send a note to ethics@epa.gov and we'll get back to you within 48 hours.

Please let us know if you need an extension by sending an email to Justina Fugh or sending a request to ethics@epa.gov.

Also, check out our intranet site in INTEGRITY for more information:

<http://intranet.epa.gov/ogc/Integrity/Landingpage.html>

For additional guidance about filling out the OGE-278 annual and OGE-278-T periodic financial disclosure form, see: <https://www2.oge.gov/Web/278eGuide.nsf>

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Daniel Fort[Fort.Daniel@epa.gov]
From: Fugh, Justina
Sent: Wed 2/15/2017 4:19:17 PM
Subject: confirmation of our discussion today

Hi there,

Thank you so much for coming by earlier today to clear up the misunderstanding we had about your interaction with the Heritage Foundation, your former employer. We in OGC/Ethics had mistakenly thought that you were invited to attend an event at Heritage in your official EPA capacity when in fact, you will be doing so in your personal capacity. You explained to us that you had been working on a paper in your previous position and had been invited to attend an event related in part to that paper. You fully intended to participate in your personal capacity and not to go on EPA time or in your EPA capacity.

In communicating with Heritage, you switched to using your EPA email address instead of your personal email address. We now realize that the switch arose from a misunderstanding about advice from OGC about being sure to use EPA email addresses. We have verified with you that Kevin Minoli meant to use your EPA email address *when conducting EPA business* and that, if it ever arose in an emergency situation that you had to use a personal email address, to copy your EPA email address too. He did not mean to imply that you should always use EPA email, even when conducting personal business. We realize that the message got muddled, and appreciate being able to clarify the advice.

So, to recap, OGC/Ethics explained that:

- You have a “covered relationship” with your former employer, the Heritage Foundation. Under the ethics rules, as part of your EPA duties, you can't interact with them as a specific party for one year. The Executive Order on ethics (13,770, signed on 1/28/17) adds an additional year. Thus, you cannot interact with the Heritage Foundation for two years on any specific party matter while you are a federal employee unless you first consult with an ethics official.
- What you've done thus far with Heritage is not an issue under either the federal impartiality rules or the ethics pledge (that we have not yet asked you or the other political appointees to sign quite yet) because your interaction was unrelated to EPA duties.
- We have asked that you move to using your personal email address to interact with the Heritage Foundation going forward in your personal capacity.
- When you attend the event, remember that you must be on your own time (not EPA's) and cannot be referred to or introduced solely by your EPA position and title. You will not be there representing the Agency or the Administration.

Thanks again for stopping by! So glad you clarified the situation for us!
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Kreutzer, David[kreutzer.david@epa.gov]; Fort, Daniel[Fort.Daniel@epa.gov]
Cc: Schnare, David[schnare.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Fugh, Justina
Sent: Tue 2/14/2017 11:10:07 PM
Subject: RE: Heritage Event and email.

Hi there,

Sure! Let's go for tomorrow at 10 am. I'm in room 4308 North or you can tell me how to find you.

Best,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kreutzer, David
Sent: Tuesday, February 14, 2017 12:16 PM
To: Fort, Daniel <Fort.Daniel@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Schnare, David <schnare.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Heritage Event and email.

Justina,

I could meet sometime tomorrow (Wednesday) between 10 and 12 or Thursday at 9.

Would those times work for you?

David

From: Fort, Daniel
Sent: Tuesday, February 14, 2017 11:33 AM
To: Kreutzer, David <kreutzer.david@epa.gov>
Subject: RE: Heritage Event and email.

First, Justina requests that you set up some time to meet with her this week to discuss these and other issues (e.g., the need for you to sign the new ethics pledge).

Second, allow me to further elucidate the use of email. When you are communicating in your official capacity (i.e., as a federal employee), you must use (or in rare instances, "cc") a Government system (e.g., the EPA email system) so that federal records are properly preserved. When you are communicating in a personal capacity, you must use your own personal email rather than the Agency's, otherwise it may be implied that you are communicating in an official capacity.

From: Kreutzer, David
Sent: Monday, February 13, 2017 6:04 PM
To: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: RE: Heritage Event

Okay, I guess I didn't understand about the email. The associated event was planned before I left and I consulted with the coauthors (one of whom is at Heritage) about the paper and the event. I thought it needed to be done via my EPA account and specifically switched the conversation from my personal account to my EPA account. There are a couple of dozen emails on the topic.

Please advise,

David

From: Fort, Daniel
Sent: Monday, February 13, 2017 1:38 PM
To: Kreutzer, David <kreutzer.david@epa.gov>
Subject: RE: Heritage Event

Well, according to the note that Justina Fugh sent you on 1/30/17, as a former employee of Heritage, you have a “covered relationship” with them pursuant to 5 CFR 2635.502(b)(1)(iv). That means cannot participate personally and substantially in any specific party matter in which that entity is or represents a party and this paper is a specific party matter.

That means that you cannot attend this event in your official capacity. You can attend it in your personal capacity if you do not use Government time (you’ll have to take annual leave), Government equipment or any assistance from a Government employee. You can’t use your EPA title at the event or be identified as an EPA employee. Furthermore, you are covered under the provisions of Executive Order 13770 which states that you will not, for a period of 2 years from the date of your appointment, participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former clients (i.e., the one year period of 5 CFR 2635.502 is extended to two years). FYI, you’ll have to sign this new ethics pledge. Please contact Justina Fugh for further information.

If you attend the lunch afterward, you will be accepting a gift from a prohibited source. If the gift of lunch is less than \$20 and is from the Heritage Foundation, then it can be accepted. However, if the gift is from Heritage Action for America, then you cannot accept it because this organization is a federally registered lobbyist and under the provisions of Executive Order 13770, you can’t accept any gift at all from a federally registered lobbyist.

Finally, please make sure that any emails with Heritage concerning anything you do in your personal (as opposed to official) capacity not be conducted using Agency resources (such as email).

From: Kreutzer, David
Sent: Monday, February 13, 2017 12:09 PM
To: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: Heritage Event

Dan,

I plan to attend an event at Heritage this Thursday, February 16, 2017. The topic for the event is a paper on which I'm a co-author. They have asked me to attend the lunch afterward. Will that be a problem?

If that's a problem, would my attendance to the event be a problem since they provide sandwiches for the attendees afterward?

David

David W. Kreutzer, Ph.D.

202.564.3113

IMPORTANT: Please note that any correspondence with this account may become a federal record and be subject to Freedom of Information Act (FOIA) requests.

To: David Kreutzer [mailto:David.Kreutzer@epa.gov] **Ex. 6 - Personal Privacy**
Cc: Minoli, Kevin [Minoli.Kevin@epa.gov]; Fort, Daniel [Fort.Daniel@epa.gov]
From: Fugh, Justina
Sent: Mon 1/16/2017 10:01:25 PM
Subject: RE: Your anticipated appointment to the United States Environmental Protection Agency

Dear Mr. Kreutzer,

I am writing to confirm that you will be meeting with EPA Ethics at 9 am tomorrow, Tuesday, January 17, and that the discussion will take one hour. You will be meeting with Daniel Fort, copied here, who is one of the stalwart members of the EPA Ethics team. In fact, if you need any help with your INTEGRITY filing, Dan is the person to ask.

Dan and I work in the Office of General Counsel, which is located in the EPA Headquarters Complex, 1200 Pennsylvania Avenue, NW, in Washington, DC. We are in the William Jefferson Clinton North Building. The main visitor entrance to both the North and South Buildings are located directly above the Federal Triangle Metro Station, which is on 12th Street, midway between Pennsylvania and Constitution Avenues.

Once at the building, please proceed into the north entrance where you will be greeted by our security staff. As a guest, you will need to present a photo ID and proceed through the metal detectors. Please tell the guards that you are there to meet with Kevin Minoli and Daniel Fort, and they will call Dan at 564 2200 to let him know that you have arrived. Dan will then come down and meet you at the main entrance and escort you up to our offices.

We are looking forward to meeting you.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: David Kreutzer [mailto:David.Kreutzer@epa.gov] **Ex. 6 - Personal Privacy**
Sent: Sunday, January 15, 2017 1:43 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

Kevin,

Thank you for the welcome and help with the ethics portion of the on boarding process. If it will take less than 90 minutes, I could do it Tuesday, Jan 17 at 9:00.

If more time is needed, I could do it Wed at 10:00 am.

David

On Sat, Jan 14, 2017 at 8:27 PM Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Dear Mr. Kreutzer-

Your name was included on a list of individuals

identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

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Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your

specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector

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5 CFR Part 2635; the Hatch Act,

5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at

18 USC § 208 and representational conflicts at

18 USC §§ 203 and

205. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team

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if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible

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you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to continuing to
work with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: David Kreutzer
Sent: Tue 1/17/2017 1:39:07 PM
Subject: No longer using this email Re: Your anticipated appointment to the United States Environmental Protection Agency

I will not have access to this email account after January 17, 2017.

From: Minoli, Kevin
Location: 1200 Pennsylvania Ave. NW (William Jefferson Clinton Building), Room 4000
Importance: Normal
Subject: Ethics Counselling
Start Date/Time: Tue 1/17/2017 2:00:00 PM
End Date/Time: Tue 1/17/2017 3:00:00 PM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Printed Name: David Kreutzer

Signature: David Kreutzer

Date: February 24, 2017

Cc: Ex. 6 - Personal Privacy
To: Kreutzer, David[kreutzer.david@epa.gov]
From: Fort, Daniel
Sent: Fri 3/31/2017 11:43:35 AM
Subject: Stock Act Negotiations Form
STOCK Act Negotiations Form.pdf

Here's the Stock Act Negotiations form. Please fill it out and send it back to me, preferably scanned. You can also slip it under the door of my office or Justina's (she's next door at 4308 WJCN).

David Kreutzer OA



Certified by: Justina Fugh
Certificate Dated: 01/17/2017
Certificate ID Number: JFUH-AJ6TDW
Full Organization: OA

According to the EPA Domino Directory.
Contact your local Help Desk if this
organizational information is not correct.

OGE-278 Filers Must Notify OGC/Ethics about Any Negotiation or Agreement for Future Employment

Use one form per negotiation or agreement.

NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name	Your telephone number*	Date negotiation or agreement began
Your Title/ Office / AAship or Region	Your email address*	Name of the non-federal entity with which you are negotiating or have an agreement for employment

** Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may use a personal email address or cell number.*

RECUSAL STATEMENT

Check the appropriate box for each statement.

- | | Yes | No | |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment. |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment. |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?
See page 2.

If you answered "yes" to statements 2 and/or 3, then you must read and sign the statement below acknowledging your recusal obligations.

For as long as I am negotiating for or have an agreement of employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1).

Your signature (print this and sign manually; no digital signatures)	Date signed
---	--------------------

Scan and Submit forms to ethics@epa.gov or fax to OGC/Ethics at 202-564-1772.

OGC/Ethics Use Only:

Statement 1: EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.

If your answer is "yes" to any of the following questions, then you must answer "yes" to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check "yes" to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check "yes" to statement 3.

- Will the work you do affect the sector? Don't concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues' projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

Need help answering these statements? Contact ethics@epa.gov to discuss.

Cc: Jackson, Ryan[jackson.ryan@epa.gov]
To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Ex. 6 - Personal Privacy
Sent: Sat 3/18/2017 1:04:51 AM
Subject: Re: Your Resignation and your ethics obligations

Thank you Justina. I believe the matters on which I will be barred would be:

Cloropyrifas
Four RFS small refinery exemption requests (names are CBI)

And that's all I can think of. If you discover there are others, please let me know, although I doubt it would be needed as I've fully retired now, Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

I'm not going back to

E&E Legal or FME Law or any other organization. When I say retired, I mean it in the tradition way - quit working.

I'll be working on a personal project that has lain dormant for too long, an historical look at ancient stewardship and its transformation through current environmental practices. Boring to many, I'm sure, but at heart I've always been an academic, so to that I return.

Best regards,

David

Sent from my iPad

On Mar 17, 2017, at 8:11 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

Since you have announced your resignation, David, I have some good news for you. You are now excused from having to file the public financial disclosure report altogether because you will not have served in a designated position for more than 60 days in this calendar year. Also, this means that didn't have to sign the Trump ethics pledge, so I will void that document after your last day.

With regard to your post-employment obligations under 18 USC 207, you will be subject only to the permanent restriction set forth at 18 USC 207(a)(1). Under this provision, you are prohibited forever from representing a third party in an appearance before or communication to, with the intent to influence, any member of the United States government on a particular matter involving specific parties in which they participated personally and substantially while a government employee if the United States still has an interest in the matter. However, this restriction does not prohibit providing "behind the

scenes" assistance (except for attorneys who are subject to their own bar rules). And please note that, in some cases, the District of Columbia may be considered a federal entity under this provision.

If you worked on a "particular matter involving specific parties," then you can't represent another entity back to the government on that same matter. Examples of such matters include an investigation, application, request for a ruling or determination, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding. The term does not include a rulemaking or other particular matter of general applicability, but would include a notice of intent that is specific to one chemical, for example. Even if a post-employment communication or appearance concerns the same particular matter, the representational bar does not apply unless the United States is a party or has a direct and substantial interest in that matter at the time of the post-employment representation.

If you have any questions about your ethics obligations, please feel free to contact me at any time.

Best regards,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Schnare, David[schnare.david@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Mon 3/6/2017 2:38:59 PM
Subject: Need to know this morning: David and the CWRule Litigation

David and Justina- Can you please remind me whether David is recused from the litigation over the Clean Water Rule? Thanks. Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

To: **Ex. 6 - Personal Privacy**
Cc: Jackson, Ryan[jackson.ryan@epa.gov]
From: Fugh, Justina
Sent: Sat 3/18/2017 1:23:52 AM
Subject: RE: Your Resignation and your ethics obligations

Thanks for the reply and enjoy your retirement.
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: **Ex. 6 - Personal Privacy**
Sent: Friday, March 17, 2017 9:05 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Your Resignation and your ethics obligations

Thank you Justina. I believe the matters on which I will be barred would be:

Cloropyrifas

Four RFS small refinery exemption requests (names are CBI)

And that's all I can think of. If you discover there are others, please let me know, although I
doubt it would be needed as I've fully retired now

Ex. 6 - Personal Privacy
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Ex. 6 - Personal Privacy I'm not going back to

E&E Legal or FME Law or any other organization. When I say retired, I mean it in the tradition way - quit working.

I'll be working on a personal project that has lain dormant for too long, an historical look at ancient stewardship and its transformation through current environmental practices. Boring to many, I'm sure, but at heart I've always been an academic, so to that I return.

Best regards,

David

Sent from my iPad

On Mar 17, 2017, at 8:11 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

Since you have announced your resignation, David, I have some good news for you. You are now excused from having to file the public financial disclosure report altogether because you will not have served in a designated position for more than 60 days in this calendar year. Also, this means that didn't have to sign the Trump ethics pledge, so I will void that document after your last day.

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If you worked on a "particular matter involving specific parties," then you can't represent another entity back to the government on that same matter. Examples of such matters include an investigation, application, request for a ruling or determination, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding. The term does not include a rulemaking or other particular matter of general applicability, but would include a notice of intent that is specific to one chemical, for example. Even if a post-

employment communication or appearance concerns the same particular matter, the representational bar does not apply unless the United States is a party or has a direct and substantial interest in that matter at the time of the post-employment representation.

If you have any questions about your ethics obligations, please feel free to contact me at any time.

Best regards,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Schnare, David[schnare.david@epa.gov]
From: Fugh, Justina
Sent: Wed 3/15/2017 8:55:11 PM
Subject: Your Resignation and your ethics obligations

Hi there,

Since you have announced your resignation, David, I have some good news for you. You are now excused from having to file the public financial disclosure report altogether because you will not have served in a designated position for more than 60 days in this calendar year. Also, this means that didn't have to sign the Trump ethics pledge, so I will destroy that document after your last day.

With regard to your post-employment obligations under 18 USC 207, you will be subject only to the permanent restriction set forth at 18 USC 207(a)(1). Under this provision, you are prohibited forever from representing a third party in an appearance before or communication to, with the intent to influence, any member of the United States government on a particular matter involving specific parties in which they participated personally and substantially while a government employee if the United States still has an interest in the matter. However, this restriction does not prohibit providing "behind the scenes" assistance (except for attorneys who are subject to their own bar rules). And please note that, in some cases, the District of Columbia may be considered a federal entity under this provision.

If you worked on a "particular matter involving specific parties," then you can't represent another entity back to the government on that same matter. Examples of such matters include an investigation, application, request for a ruling or determination, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding. The term does not include a rulemaking or other particular matter of general applicability, but would include a notice of intent that is specific to one chemical, for example. Even if a post-employment communication or appearance concerns the same particular matter, the representational bar does not apply unless the United States is a party or has a direct and substantial interest in that matter at the time of the post-employment representation.

If you have any questions about your ethics obligations, please feel free to contact me at any time.

Best regards,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Schnare, David[schnare.david@epa.gov]
From: Fugh, Justina
Sent: Thur 3/9/2017 2:10:42 AM
Subject: reminder about ethics

Hi there,

1) President's Ethics Pledge

As you know, on January 28, 2017, President Donald J. Trump issued an Executive Order on Ethics Commitments for all political appointees in his administration that contains additional restrictions during and after your federal service. You were required to sign this pledge, which you have done (thanks!). Here is a reminder about the significant points of the Executive Order:

If you were a federally registered lobbyist in the previous 2 years --

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ For the next 2 years, you will not participate in any particular matter on which you lobbied within the previous 2 years and you will not participate in the specific issue area in which that particular matter falls.

While you are a federal employee --

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ You cannot accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions, so ask an ethics official for guidance, early and often.

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ **For 2 years** from the date of your appointment, you will not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former client(s), including regulations and contracts; and

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ Any hiring or other employment decisions you make will be based on the candidate's qualifications, competence and experience.

After you leave federal service --

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ For 5 years, you will not engage in any lobbying activities with respect to the

agency in which you were appointed to serve;

- ☐☐☐☐☐☐ For the remainder of the Administration, you will not engage in lobbying activities with respect to any covered executive branch official or non-career SES employee; and

- ☐☐☐☐☐☐ For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their “agent” requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

Finally, you agree that the terms of the ethics pledge are binding upon you.

2) Thanks for making progress on your new entrant financial disclosure report, but I notice that we returned it to you for more changes on 2/3/17. PLEASE help us by addressing our questions so that we can certify your report.

3) I did not receive a signed recusal statement for you. Given the ethics pledge, though, I have to revise it anyway to address your firm/clients. So look for that soon.

Cheers,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

To: Schnare, David[schnare.david@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Fugh, Justina
Sent: Mon 3/6/2017 3:21:11 PM
Subject: Re: Need to know this morning: David and the CWRule Litigation

If so, then no recusal necessary (under bar rules, impartiality or Trump pledge) for Clean Water Rule litigation.

From: Schnare, David
Sent: Monday, March 6, 2017 10:05 AM
To: Minoli, Kevin
Cc: Fugh, Justina
Subject: Re: Need to know this morning: David and the CWRule Litigation

Neither FME Law nor E&E Legal filed on WOTUS

dschnare

Sent from my iPhone

> On Mar 6, 2017, at 9:39 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:
>
> David and Justina- Can you please remind me whether David is recused from the litigation over the Clean Water Rule? Thanks. Kevin
>
> Kevin S. Minoli
> Acting General Counsel
> Office of General Counsel
> US Environmental Protection Agency
> Main Office Line: 202-564-8040

To: Schnare, David[schnare.david@epa.gov]
From: Fugh, Justina
Sent: Fri 2/10/2017 11:32:43 PM
Subject: an updated version of your recusal statement
[draft recusal statement 2.docx](#)

Hi there,

In working through the recusal situation for Justin Schwab, I thought to apply some of the provisions to your recusal as well. See attached revised version. You can instead decide that you want to list all of the clients but this version allows you to self-monitor.

Also, we have received a congressional inquiry into why your personal social media pages have not yet been updated to reflect your resignations. Could you please update that information and then confirm to me that you've done so?

Thanks,
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

To: Schnare, David[schnare.david@epa.gov]
From: Fugh, Justina
Sent: Tue 2/7/2017 2:31:27 AM
Subject: approval of outside activity; draft recusal statement
[outside activity approval.pdf](#)
[draft recusal statement.docx](#)

Hi there,

Here's the approval of your outside activity. Also, you'll need a recusal statement for the various organizations from which you've taken a leave of absence but not resigned. Please take a look at the draft statement and let me know if you have any questions. If not, then please print it out, sign and date it, then return to me.

Thanks,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

FEB 06 2017

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: David Schnare
Special Advisor
Office of the Administrator

Kevin Minoli, Designated Agency Ethics Official, received your request of January 15, 2017, in which you indicated you want to engage in certain uncompensated outside activity upon becoming a federal employee. In making your request for approval of the outside activity, you followed the format set forth at 5 CFR § 6401.103. In our conversation of January 18, 2017, you updated your request to reflect your decision to withdraw from certain outside activities but reiterated that you wish to continue to provide legal services on behalf of the Free Market Environmental Law Clinic in *Energy & Environment Legal Institute v. Arizona Board of Regents*. Because you will be practicing a profession, EPA's supplemental ethics rules at 5 CFR 6401.103 require that you seek approval from your ethics official.

You are currently a noncareer SES appointee at EPA, which means that you are a "covered noncareer employee" subject to the outside earned income limitations set forth at 5 CFR § 2635.804. Under this provision, you cannot receive any compensation for, among other things, practicing a profession that involves a fiduciary relationship or affiliating with or being employed by a firm that provides professional services involving a fiduciary duty. But because you will not be compensated for this activity, you comply with this limitation.

Therefore, based on the information you have provided, I am approving your request to provide legal services in the above referenced case, provided that you abide by the applicable ethics rules set forth below:

Representation back to the United States

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. In your outside capacity, you cannot contact or represent back to any US government official on behalf of the clinic or your client in connection with any matter in which the United States is a party or has a direct and substantial interest.

Misuse of Position

You cannot use your EPA position, title or affiliation in connection with the outside activity. See 5 CFR § 2635.807(b). Please do not use Agency equipment, including phones, email address, workspace, computer, and time, in connection with this outside activity.

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.

To: Schnare, David[schnare.david@epa.gov]; Middleton, Brandon (ENRD) (b) (6)
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Minoli, Kevin@epa.gov
Sent: Fri 3/3/2017 5:40:39 PM
Subject: RE: CPP litigation

Hi David- I want to inform you that we received an inquiry from the Department of Justice regarding whether your recusal obligations related to CPP litigation applied to this action. Because the specific party action here is litigation over the denial of petitions for reconsideration of the CPP it is possible that they do not. However, we need to consider the fact that the motion as issue also related to a matter you are recused from, and ascertain whether any entities for which you have a covered relationship under the ethics rules or which are specified on Trump Administration Ethics Pledge are parties in this new litigation. If you could please contact Justina and I today we can work through this quickly and advise you, the Chief of Staff, and DOJ of the result. Until then, however, I advise that you not engage on this new litigation.

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Schnare, David
Sent: Wednesday, March 01, 2017 5:23 PM
To: Middleton, Brandon (ENRD) (b) (6)
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: CPP litigation

Brown discussed this with Minoli and Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process

dschnare

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

To: Schnare, David[schnare.david@epa.gov]; Middleton, Brandon (ENRD) (b) (6)
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; 'Fugh, Justina (Fugh.Justina@epa.gov)'[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Fri 3/3/2017 8:46:11 PM
Subject: RE: CPP litigation

David, Ryan, and Brandon- David did call me right away and we discussed the matter. Because his former employer/client did file petitions for review over the agency's denial of their petitions for reconsideration (after David was no longer engaging with them on matters related to EPA), the Trump Administration Ethics Pledge prohibits his participation in this matter. Because the Trump Pledge resolves the issue, we need not reach the question of whether his participation in the matter would also be prohibited by the ethics regulations had there been a request for an impartiality determination to participate.

Ryan,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process I would be happy to discuss by phone if you have questions or concerns.

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Minoli, Kevin
Sent: Friday, March 03, 2017 12:41 PM
To: Schnare, David <schnare.david@epa.gov>; Middleton, Brandon (ENRD) <(b) (6)>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Fugh, Justina (Fugh.Justina@epa.gov) <Fugh.Justina@epa.gov>
Subject: RE: CPP litigation

Hi David- I want to inform you that we received an inquiry from the Department of Justice regarding whether your recusal obligations related to CPP litigation applied to this action. Because the specific party action here is litigation over the denial of petitions for reconsideration of the CPP it is possible that they do not. However, we need to consider the fact that the motion as issue also related to a matter you are recused from, and ascertain whether any entities for which you have a covered relationship under the ethics rules or which are specified on Trump Administration Ethics Pledge are parties in this new litigation. If you could please contact Justina (564-1786) and/or me (564-5551) today we can work through this quickly and advise you, the Chief of Staff, and DOJ of the result. Until then, however, I advise that you not engage on this new litigation. Again, I want to be clear that we have not reached a conclusion as to whether you do have recusal obligations in the new matter and reassure you that we can reach a conclusion quickly once you reach out to OGC Ethics.

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Schnare, David
Sent: Wednesday, March 01, 2017 5:23 PM
To: Middleton, Brandon (ENRD) <(b) (6)>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: CPP litigation

Brown discussed this with Minoli and

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

dschnare

To: Schnare, David[schnare.david@epa.gov]; Middleton, Brandon (ENRD) (b) (6)
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Fugh, Justina (Fugh.Justina@epa.gov)[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Fri 3/3/2017 5:41:17 PM
Subject: RE: CPP litigation

Hi David- I want to inform you that we received an inquiry from the Department of Justice regarding whether your recusal obligations related to CPP litigation applied to this action. Because the specific party action here is litigation over the denial of petitions for reconsideration of the CPP it is possible that they do not. However, we need to consider the fact that the motion as issue also related to a matter you are recused from, and ascertain whether any entities for which you have a covered relationship under the ethics rules or which are specified on Trump Administration Ethics Pledge are parties in this new litigation. If you could please contact Justina (564-1786) and/or me (564-5551) today we can work through this quickly and advise you, the Chief of Staff, and DOJ of the result. Until then, however, I advise that you not engage on this new litigation. Again, I want to be clear that we have not reached a conclusion as to whether you do have recusal obligations in the new matter and reassure you that we can reach a conclusion quickly once you reach out to OGC Ethics.

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Schnare, David
Sent: Wednesday, March 01, 2017 5:23 PM
To: Middleton, Brandon (ENRD) (b) (6)
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: CPP litigation

Brown discussed this with Minoli and

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

dschnare

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Washington, D.C. 20460

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Printed Name:

DAVID W. SCHNARE

Signature:

David W. Schnare

Date:

February 24, 2017

David Schnare OA



Certified by: Justina Fugh
Certificate Dated: 01/18/2017
Certificate ID Number: JFUH-AJ6TEN
Full Organization: OA

According to the EPA Domino Directory,
Contact your local Help Desk if this
organizational information is not correct.

From: Minoli, Kevin
Location: 1200 Pennsylvania Ave. NW (William Jefferson Clinton Building), Room 4000
Importance: Normal
Subject: Ethics Counseling for Patrick Davis
Start Date/Time: Mon 1/16/2017 7:00:00 PM
End Date/Time: Mon 1/16/2017 8:00:00 PM

From: Minoli, Kevin
Location: 1200 Pennsylvania Ave. NW (William Jefferson Clinton Building), Room 4000
Importance: Normal
Subject: Ethics Counseling
Start Date/Time: Mon 1/16/2017 7:00:00 PM
End Date/Time: Mon 1/16/2017 8:00:00 PM

To: Patrick Davis; **Ex. 6 - Personal Privacy**
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Sun 1/15/2017 2:30:41 PM
Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

Patrick- Great. We will see you then.

Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

On Jan 15, 2017, at 7:39 AM, Patrick Davis <**Ex. 6 - Personal Privacy**> wrote:

Kevin,

2 pm on Monday will work for me. See you then.

Patrick Davis

Pardon the brevity, sent from my iPhone

On Jan 14, 2017, at 10:17 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Patrick-

We are seeing another member of the team at 1:00, but if 2:00 would work for you that would work well for us. I have included more specific directions to the building and our offices below. If you need to adjust the date or time to meet for any reason, simply let us know.

Thank you,
Kevin

The Office of General Counsel is located in the EPA Headquarters Complex, 1200 Pennsylvania Avenue, NW, in Washington, DC. We are in the William Jefferson Clinton North Building. The main visitor entrance to both the North and South Buildings are located directly above the Federal Triangle Metro Station, which is on 12th Street midway between Pennsylvania and Constitution Avenues. The government is closed Monday in observance of the Martin Luther King Day Holiday, so it is likely the you will need to enter via the South Building. Once at the building, please proceed into the building where you will be greeted by our security staff. As a

guest, you will need to present a photo ID and proceed through the metal detectors. We will leave a list with the guards that morning so they should be expecting you, but if for some reason they are not, simply please tell the guards that you are there to meet with myself or Justina, and they will let us know that you arrived. One of us will then come down and meet you at the main entrance and escort you up to our offices.

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

On Jan 14, 2017, at 8:48 PM, Patrick Davis <[REDACTED]> wrote:

Hi Kevin,

I could meet you Monday, January 16 after 1 pm. Where should I meet you?

Thanks,
Patrick Davis
[REDACTED]

Pardon the brevity, sent from my iPhone

On Jan 14, 2017, at 6:29 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Dear Mr. Davis-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's

Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to “ensure that every citizen can have complete confidence in the integrity of the Federal Government.” Our goal as the leaders of the EPA’s ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, [5 CFR Part 2635](#); the Hatch Act, [5 USC § 7321 et seq.](#), and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at [18 USC § 208](#) and representational conflicts at [18 USC §§ 203 and 205](#). In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at [18 USC § 207](#).

We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for

Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Ex. 6 - Personal Privacy
Cc: Fugh, Justina[Fugh.Justina@epa.gov]
From: Minoli, Kevin
Sent: Sun 1/15/2017 1:29:41 AM
Subject: Your anticipated appointment to the United States Environmental Protection Agency

Dear Mr. Davis-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635; the Hatch Act, 5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at 18 USC § 208 and representational conflicts at 18 USC §§ 203 and 205. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at 18 USC § 207.

We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon

of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Davis, Patrick[davis.patrick@epa.gov]
From: Fugh, Justina
Sent: Thur 5/11/2017 9:10:05 PM
Subject: your financial disclosure report

Hi there,

You may recall that I had mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested and released. OGC/Ethics typically waits to fill those requests until after we have received and certified the report, and I finally got around to releasing a batch of reports on Friday of last week. Here are the people who received your report:

Kevin Bogardus, E&E News
Joe Gaeta, Senator Sheldon Whitehouse
Alison Gregor, ProPublica
Alex Guillen, Politico
Nick Surgey, Center for Media and Democracy

Best,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A |
Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground
deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Davis, Patrick[davis.patrick@epa.gov]
From: Fugh, Justina
Sent: Thur 3/9/2017 1:55:13 AM
Subject: reminder about ethics

Hi there,

1) President's Ethics Pledge

As you know, on January 28, 2017, President Donald J. Trump issued an Executive Order on Ethics Commitments for all political appointees in his administration that contains additional restrictions during and after your federal service. You were required to sign this pledge, which you have done (thanks!). Here is a reminder about the significant points of the Executive Order:

If you were a federally registered lobbyist in the previous 2 years --

- For the next 2 years, you will not participate in any particular matter on which you lobbied within the previous 2 years and you will not participate in the specific issue area in which that particular matter falls.

While you are a federal employee --

- You cannot accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions, so ask an ethics official for guidance, early and often.

- For 2 years from the date of your appointment, you will not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former client(s), including regulations and contracts; and

- Any hiring or other employment decisions you make will be based on the candidate's qualifications, competence and experience.

After you leave federal service --

- For 5 years, you will not engage in any lobbying activities with respect to the

agency in which you were appointed to serve;

- ☐ ☐ ☐ ☐ ☐ ☐ For the remainder of the Administration, you will not engage in lobbying activities with respect to any covered executive branch official or non-career SES employee; and
- ☐ ☐ ☐ ☐ ☐ ☐ For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their “agent” requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

Finally, you agree that the terms of the ethics pledge are binding upon you.

2) You were great about filing your new entrant financial disclosure report, but if you leave federal service, then you will have to file a termination report too. You will need to talk to me within 3 business days of beginning to negotiate for future employment, and you will be subject to post employment restrictions as well as the Trump ethics pledge.

Cheers,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Davis, Patrick[davis.patrick@epa.gov]

Cc: [REDACTED] **Ex. 6 - Personal Privacy**

From: Fugh, Justina

Sent: Sat 2/4/2017 12:12:03 AM

Subject: RE: Telephone Town Hall Meeting
approval of outside activity Feb 2017.pdf

Hi there,

Attached please find the approval of your outside activity.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Davis, Patrick

Sent: Tuesday, January 31, 2017 12:04 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: [REDACTED] **Ex. 6 - Personal Privacy**

Subject: Telephone Town Hall Meeting

Hello Justina,

Regarding #2 below:

Patrick Davis, Special Assistant to the Administrator, pay grade 15/10

The nature of the activity is setting up meetings for demos and soliciting business for TTHM. I expect to be reimbursed \$[REDACTED] per month for expenses.

(b) (6) [REDACTED] Telephone Town Hall Meeting.

Estimated time to be devoted to the activity: 4 hours per week

The service will be performed entirely outside of normal duty hours

No official duty time or government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

Basis for compensation: monthly \$[REDACTED] expense reimbursement.

I have read and I am familiar with and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.103 (EPA's Supplemental Regulations).

I am not personally aware of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Sincerely,

Patrick Davis

From: Fugh, Justina
Sent: Monday, January 30, 2017 12:54 AM
To: Davis, Patrick <davis.patrick@epa.gov>
Cc: **Ex. 6 - Personal Privacy**

Subject: Ethics -- next steps now that you are an EPA employee

Hi there,

Now that you are officially sworn in as an EPA employee, I want to provide you with specific ethics advice:

1) Please submit your new entrant public financial disclosure report in INTEGRITY, which is due on 2/21/17. If you need an extension, you have to ask me before the expiration of the deadline. We have switched the user ID for your account your EPA email address. That way, if we have questions or comments about your submission, we can communicate with you through INTEGRITY using your EPA email. Based on our earlier conversation, though, we do not anticipate any likely financial conflicts based on your ownership interests.

2) Because you want to continue to serve as an employee of the Telephone Town Hall Meeting entity, you must seek approval of that outside activity by following specified rules. Please send me an email that provides the following information:

- your name, EPA title and grade (meaning your type of appointment and pay grade);
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- the basis for compensation (e.g., fee, per diem, per annum, etc.)
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.103 (EPA's Supplemental Regulations); and

● an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided (if you don't know, then just say you are not personally aware of any).

I need that information as soon as possible so that I can officially clear you to continue to serve in that position. Having said that, though, I don't anticipate a need for you to file any recusal statement.

- Please confirm that (b) (6)

(b) (6)

(b) (6)

I remind you that, as a federal employee, you are now subject to the Hatch Act. That law regulates the political activity of federal employees and prohibits you from unfettered involvement in partisan politics. You cannot undertake any activity that is directed at the success or failure of a partisan political candidate, group or campaign while on EPA property, using EPA equipment, or on EPA time. While you may engage in political activity on your own time (meaning the weekend, after business hours if off EPA premises, or while on leave or leave without pay), you are now subject to certain 24/7 restrictions. While you are a federal employee, you are prohibited from running for future partisan office and cannot solicit, accept or receive political contributions or engage in any partisan fundraising.

- Please confirm that (b) (6)

(b) (6)

Thanks for paying attention to ethics issues!
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Tuesday, January 17, 2017 5:46 PM

To: [REDACTED] **Ex. 6 - Personal Privacy**

Subject: confirmation of our meeting on 1/16/17

Hi there,

It was a sincere pleasure to meet you yesterday. Here is a quick summary of our discussion:

- [REDACTED] We met to talk about your ethics responsibilities as an incoming political appointee. You don't yet know what position you will have but I hope you take some comfort in knowing that our meeting met the requirements of 5 CFR 2638.304, initial ethics training, as set forth in the recently effective OGE rules.

- [REDACTED] You intend to (b) (6)

(b) (6)

- [REDACTED] You are currently considered an employee of Telephone Town Hall Meeting. You are going to explore whether you may retain that position. For federal ethics purposes, I thought you could in fact retain that position provided you abided by the outside activity rules (do not misuse your federal position, don't use EPA time or resources, etc.). You will let me know whether you plan to retain this position or not.

- [REDACTED] (b) (6) and I advised you that, under the Hatch Act, you cannot solicit, accept or receive political contributions. I suggested that you resign, and you are inclined to agree.

- [REDACTED] (b) (6)

(b) (6)

- [REDACTED] Based on our conversation, I don't anticipate obvious ethics concerns.

I look forward to working with you in the future.

Cheers,
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

FEB 03 2017

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: Patrick Davis
Special Assistant
Office of the Administrator

I have received your request of January 31, 2017, to engage in outside activity for compensation as the sales director of Telephone Town Hall Meeting (TTHM). You wish to continue to set up meetings for demonstration purposes and solicit prospective clients for TTHM on your own time and not using any EPA resources. In exchange for your services, you anticipate reimbursement of \$ per month for expenses.

You are currently a Schedule C appointee at EPA, which means that you are a "covered noncareer employee" subject to the outside earned income limitations set forth at 5 CFR § 2635.804. Under this provision, you cannot receive compensation for, among other things, practicing a profession that involves a fiduciary relationship or affiliating with or being employed by a firm that provides professional services involving a fiduciary relationship. Your service as sales director does not involve any fiduciary duty. Please note, however, that you are still subject to the outside earned income limit, which is currently \$27,765 per annum. Based on the information you provided and the fact that you are currently serving in a 120-day limited term appointment, I do not expect your income from this outside compensated entity to exceed the cap.

I am therefore approving your request for outside activity and set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

- Because you will be compensated by TTHM, you have a financial conflict of interest pursuant to 18 USC § 208. You cannot participate in your EPA duties in

any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve TTHM as a specific party nor can you work on particular matters of general applicability (e.g., how the Administrator can reach a broader audience by using telephone technology services).

- You will need to report the income from this outside activity on Schedule A of your financial disclosure statement, and the outside position on Schedule D.

Representation back to the United States

- Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC § 203. You cannot represent TTHM as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest.

Misuse of Position Misuse of Position

- Because you will be compensated, you cannot ever use any EPA equipment, including phones, workspace, computer and time. The Agency's Limited Personal Use of Equipment policy, found at <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>, states that there is no *de minimis* use of EPA equipment to further any compensated outside activity.
- You cannot use your EPA position, title or affiliation in connection with your outside activity. See 5 CFR § 2635.807(b). You also cannot use your federal position to further any outside fundraising efforts. In addition, there are some restrictions when engaged in fundraising (even on personal time). See 5 CFR § 2635.808. For example, you cannot personally solicit funds from a subordinate nor from any person who is an Agency prohibited source. We define "prohibited source" as any entity or person who is doing business with the Agency, seeks to do business with the Agency or is regulated by the Agency.

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.

To: Patrick Davis; **Ex. 6 - Personal Privacy**
From: Minoli, Kevin
Sent: Fri 3/3/2017 3:55:06 PM
Subject: Running a few minutes late

Hey Patrick – just wanted to let you know that I am running about 10 minutes late. I will see you soon.
Thanks, Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

From: Minoli, Kevin
Location: 1200 Pennsylvania Ave. NW (William Jefferson Clinton Building), Room 4000
Importance: Normal
Subject: Ethics Counselling
Start Date/Time: Mon 1/16/2017 7:00:00 PM
End Date/Time: Mon 1/16/2017 8:00:00 PM

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Davis, Patrick
Sent: Wed 9/27/2017 7:41:49 PM
Subject: FW: Rivers of Recovery Fish Fry, October 3rd (Comped Invitation Attached)
2017 Rivers of Recovery - Special Guest.pdf

Hi Justina,

May I attend the event on the attached invitation?

Description of the event is in the email body below.

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

202-380-8341 cell

Information sent to this email address may be subject to FOIA.

From: Mitch Butler [mailto:mitchbutler@naturalresourceresults.com]
Sent: Wednesday, September 27, 2017 3:28 PM
To: Mitch Butler <mitchbutler@naturalresourceresults.com>
Subject: Rivers of Recovery Fish Fry, October 3rd (Comped Invitation Attached)

Friends,

Please see attached an invitation to Rivers of Recovery's Annual Rooftop Fish Fry and BBQ. The event will take place between 6:30 and 8:30pm on Tuesday, October 3rd at the Observatory at America's Square (300 New Jersey Avenue NW.)

The event:

WILL:

Have great food, celebrity bartenders (Beltway celebrities anyway), live music by Sheen Righter as well as opportunities to interact with a number of the American heroes who participate in RoR's incredible program. (Note, this is also one of the only DC events all year that friends/significant others etc... who are not in the political/policy field actually have fun attending so please feel free to bring them along) AND a large and diverse cross-section of Members and Senators in attendance.

WILL NOT

Have long winded speeches (or any speeches for that matter other than brief intros), assigned seating, political rhetoric or an abundance of 'small talk circles' focused on health care and/or comprehensive tax reform.

Hill Staffers/Administration officials etc..

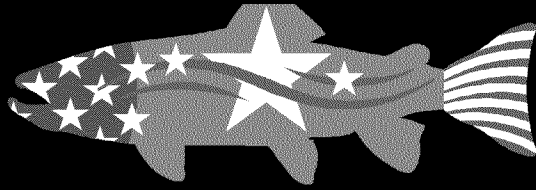
- This is a widely attended gathering.

- As a member of the RoR Board, I'm told it is allowable for me to send you this invitation directly. Should you or your ethics official prefer you receive the invitation from an RoR employee/email address, please let Katie (cc'd) know.

Finally, please note when RSVP'ing that you are a guest of NRR/Mitch and that you received a comped invitation. That said, RoR would obviously welcome additional sponsorships/contributions (Just in case you work for a big trade association or other well-heeled entity with some extra \$ available for a great cause.)

Hope to see you all there!!

Join us for the 2nd Annual



RIVERS OF RECOVERY

BBQ & Fish Fry

Tuesday, October 3, 2017 | 6:30 p.m. – 8:30 p.m.

Live Auction | Silent Auction | Celebrity Bartenders

The Observatory at America's Square | 300 New Jersey Avenue N.W., Washington, D.C.

R.S.V.P. (202) 256-9426 | rivers@manessgroup.com

Join the Auction: <https://riversofrecovery.auction-bid.org>



"It was the first time that I was able to enjoy the outdoors since being back from Iraq. The most amazing part of the trip was that my anxiety and depression was almost non-existent. This program is a winning formula for dealing with PTSD. Now, I have a lot of tools to deal with my stress, making my life more enjoyable for myself and those around me."

- Mike, CPL US Army (ret.)

Rivers of Recovery is a national nonprofit organization dedicated to the rehabilitation of wounded Iraq and Afghanistan veterans suffering with Post Traumatic Stress Disorder (PTSD), minor Traumatic Brain Injury (mTBI), stress, anxiety and depression. Rivers of Recovery is an industry leader providing rehabilitation to physically and psychologically injured U.S. combat veterans using innovative, outdoor-based therapies and pioneering research.

RiversofRecovery.org

SHOW YOUR SUPPORT!

Sponsorship opportunities are available at the following levels:

\$25,000
ANCHOR

\$15,000
ANGLER

\$7,500
TACKLE BOX

\$5,000
ROD & REEL

Learn more at RiversofRecovery.org/2017fishfry
or rivers@manessgroup.com





BBQ&FishFry

HONORARY Congressional Committee

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Senator Bill Cassidy
Senator Tom Cotton
Senator Dean Heller
Senator Johnny Isakson
Senator Joe Manchin
Senator Ed Markey
Senator Thom Tillis
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Representative Andre Carson
Representative Charlie Crist
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Representative Jeff Denham
Representative Debbie Dingell
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Representative Adam Kinzinger
Representative Doug LaMalfa
Representative Bob Latta
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S-3 Group • Sikorsky • United Technologies Corporation • Wine Institute

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Davis, Patrick
Sent: Mon 10/2/2017 8:57:54 PM
Subject: RE: Rivers of Recovery Fish Fry, October 3rd (Comped Invitation Attached)

Thank you.

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

202-380-8341 cell

Information sent to this email address may be subject to FOIA.

From: Fugh, Justina
Sent: Monday, October 2, 2017 4:55 PM
To: Davis, Patrick <davis.patrick@epa.gov>
Subject: RE: Rivers of Recovery Fish Fry, October 3rd (Comped Invitation Attached)

Hi Patrick,

Sorry, I must have missed your incoming message earlier. Rivers of Recovery is not a federally registered lobbyist, so you may attend this event on your own time. You cannot ask EPA to pay for any local transportation costs associated with your going to the event.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Davis, Patrick
Sent: Wednesday, September 27, 2017 3:42 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Rivers of Recovery Fish Fry, October 3rd (Comped Invitation Attached)

Hi Justina,

May I attend the event on the attached invitation?

Description of the event is in the email body below.

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

202-380-8341 cell

Information sent to this email address may be subject to FOIA.

From: Mitch Butler [<mailto:mitchbutler@naturalresourceresults.com>]
Sent: Wednesday, September 27, 2017 3:28 PM

To: Mitch Butler <mitchbutler@naturalresourceresults.com>

Subject: Rivers of Recovery Fish Fry, October 3rd (Comped Invitation Attached)

Friends,

Please see attached an invitation to Rivers of Recovery's Annual Rooftop Fish Fry and BBQ. The event will take place between 6:30 and 8:30pm on Tuesday, October 3rd at the Observatory at America's Square (300 New Jersey Avenue NW.)

The event:

WILL:

Have great food, celebrity bartenders (Beltway celebrities anyway), live music by Sheen Righter as well as opportunities to interact with a number of the American heroes who participate in RoR's incredible program. (Note, this is also one of the only DC events all year that friends/significant others etc... who are not in the political/policy field actually have fun attending so please feel free to bring them along) AND a large and diverse cross-section of Members and Senators in attendance.

WILL NOT

Have long winded speeches (or any speeches for that matter other than brief intros), assigned seating, political rhetoric or an abundance of 'small talk circles' focused on health care and/or comprehensive tax reform.

Hill Staffers/Administration officials etc..

- This is a widely attended gathering.

- As a member of the RoR Board, I'm told it is allowable for me to send you this invitation directly. Should you or your ethics official prefer you receive the invitation from an RoR employee/email address, please let Katie (cc'd) know.

Finally, please note when RSVP'ing that you are a guest of NRR/Mitch and that you received a comped invitation. That said, RoR would obviously welcome additional sponsorships/contributions (Just in case you work for a big trade association or other well-heeled entity with some extra \$ available for a great cause.)

Hope to see you all there!!

To: Davis, Patrick[davis.patrick@epa.gov]
From: Fugh, Justina
Sent: Mon 10/2/2017 8:55:20 PM
Subject: RE: Rivers of Recovery Fish Fry, October 3rd (Comped Invitation Attached)

Hi Patrick,

Sorry, I must have missed your incoming message earlier. Rivers of Recovery is not a federally registered lobbyist, so you may attend this event on your own time. You cannot ask EPA to pay for any local transportation costs associated with your going to the event.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Davis, Patrick
Sent: Wednesday, September 27, 2017 3:42 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Rivers of Recovery Fish Fry, October 3rd (Comped Invitation Attached)

Hi Justina,

May I attend the event on the attached invitation?

Description of the event is in the email body below.

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

202-380-8341 cell

Information sent to this email address may be subject to FOIA.

From: Mitch Butler [<mailto:mitchbutler@naturalresourceresults.com>]

Sent: Wednesday, September 27, 2017 3:28 PM

To: Mitch Butler <mitchbutler@naturalresourceresults.com>

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Hope to see you all there!!



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Printed Name: Patrick J. Davis

Signature: 

Date: 2-23-17

To: Fort, Daniel[Fort.Daniel@epa.gov]
From: Fugh, Justina
Sent: Wed 2/1/2017 9:34:40 PM
Subject: patrick davis

From: Davis, Patrick
Sent: Tuesday, January 31, 2017 9:26 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: **Ex. 6 - Personal Privacy**
Subject: RE: Ethics -- next steps now that you are an EPA employee

Hello Justina,

Thank you for your email. Answers to your questions below:

1. I submitted my INTEGRITY disclosure report yesterday, January 30. Please confirm receipt.

2. TTHM approval will come in separate email

3. I can confirm that (b) (6)
(b) (6)

4. I can confirm that (b) (6)
(b) (6)

Thank you.

Patrick Davis

Ex. 6 - Personal Privacy

From: Fugh, Justina
Sent: Monday, January 30, 2017 12:54 AM
To: Davis, Patrick <davis.patrick@epa.gov>
Cc: **Ex. 6 - Personal Privacy**
Subject: Ethics -- next steps now that you are an EPA employee

Hi there,

Now that you are officially sworn in as an EPA employee, I want to provide you with specific ethics advice:

1) Please submit your new entrant public financial disclosure report in INTEGRITY, which is due on 2/21/17. If you need an extension, you have to ask me before the expiration of the deadline. We have switched the user ID for your account your EPA email address. That way, if we have questions or comments about your submission, we can communicate with you through INTEGRITY using your EPA email. Based on our earlier conversation, though, we do not anticipate any likely financial conflicts based on your ownership interests.

2) Because you want to continue to serve as an employee of the Telephone Town Hall Meeting entity, you must seek approval of that outside activity by following specified rules. Please send me an email that provides the following information:

- your name, EPA title and grade (meaning your type of appointment and pay grade);
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

- the basis for compensation (e.g., fee, per diem, per annum, etc.)
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.103 (EPA's Supplemental Regulations); and
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided (if you don't know, then just say you are not personally aware of any).

I need that information as soon as possible so that I can officially clear you to continue to serve in that position. Having said that, though, I don't anticipate a need for you to file any recusal statement.

- Please confirm that (b) (6)
(b) (6)

(b) (6) I remind you that, as a federal employee, you are now subject to the Hatch Act. That law regulates the political activity of federal employees and prohibits you from unfettered involvement in partisan politics. You cannot undertake any activity that is directed at the success or failure of a partisan political candidate, group or campaign while on EPA property, using EPA equipment, or on EPA time. While you may engage in political activity on your own time (meaning the weekend, after business hours if off EPA premises, or while on leave or leave without pay), you are now subject to certain 24/7 restrictions. While you are a federal employee, you are prohibited from running for future partisan office and cannot solicit, accept or receive political contributions or engage in any partisan fundraising.

- Please confirm that (b) (6)
(b) (6)

Thanks for paying attention to ethics issues!
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Patrick Davis OA



Certified by: Justina Fugh
Certificate Dated: 01/16/2017
Certificate ID Number: JFUH-AJ6TCQ
Full Organization: OA
According to the EPA Domino Directory,
Contact your local Help Desk if this
organizational information is not correct.